

## REMARKS

Claims 12-33 are now pending in the subject application.

Applicants have amended claims 12-15, 17, 19-20, 23-25, and 33 to correct errors. Claims 34-40 are withdrawn from consideration due to restriction requirement, but Applicants reserve the right to amend and rejoin the claims upon the allowance of the composition claims. Support for amended claims 12-15, 17, 19-20, 23, and 33 are self-explanatory; support for amended claims 24 and 25 can be found in examples 1-20 in the specification. No new matter has been introduced by this response.

### *Claim Rejections - 35 USC 112*

The Examiner's Action rejected claims 12, 13, 15, 17-26, and 28-33 for indefiniteness.

In response, Applicants have amended claims 12-15, 17, 19-20, 23-25, and 33 to more particular point out and distinctly claim the subject matter of the subject invention.

Regarding the rejection of claims 20-23 and 26-27 regarding component D and the dative bond "→" between B and D of the generic structure of claim 12, Applicants would like to draw attention to page 7, line 14, in the substituted specification, in which Applicants define the bond "→" between B and D as a "single bond or double bond." The law has been well established that the applicant can act as his own lexicographer, and when he gives an express definition, that definition is controlling. See, e.g., *Vitronics v. Conceptronic*, 90 F. 3d 1576 at 1582-1583 (Fed. Cir. 1996). According to the current specification, the bond "→" between B and D has been defined as a "single bond or double bond." Thus, the definition is controlling. Either single bond or double bond are

found in all of the structures recited between B and D in claims 20-23 and 26-27.

Therefore, the rejections should be withdrawn. Component D is recited in claim 12. The recitation of "F" in claim 20 as amended and components in the position of component D in claims 20-23 and 26-27 are clearly within the scope of component D as recited in claim 12. In view of the amendment, Applicants request that the Examiner reconsider and withdraw the rejections.

Applicants have also amended claims 24 and 25 to correct the inconsistency. In view of the above, Applicants believe that all the rejections are overcome.

***Claim Rejections - 35 USC 102***

The Examiner's Action rejected claim 26 as being anticipated by Ittel et al., U.S. Patent No. 6,531,424 under 35 U.S.C. 102(a).

In response, Applicants submit that the Ittel Patent was issued on March 11, 2003. The subject application was filed as a continuation-in-part of the PCT international application PCT/CN02/00425 with an international filing date of June 17, 2002 and has Chinese priority dates of July 23, 2001 and February 9, 2002. The subject matter as recited in claim 26 is supported by Example 25 in the PCT international application. Thus, Applicants rely on the international filing date to predate the Ittel Patent. The Ittel Patent can not be used as a prior art reference against the subject application under 35 U.S.C. 102(a), because the issuance date of the Ittel Patent is after the date of invention by the Applicants for the subject application. Therefore, Applicants respectfully request that the Examiner withdraw the rejection.

***Allowable Subject Matter***

The Examiner's Action indicated that claim 26 would be allowable once all the objection and rejection are overcome.

In response, Applicants believe that the Examiner's Action meant that claim 27, not claim 26, contains the allowable subject matter. As discussed, *supra*, Applicants believe that the Ittel Patent can not be used as a prior art reference under 35 U.S.C. 102(a) against the subject application, thus, claim 26 as well as claim 27 is in condition for allowance.

In view of the foregoing, Applicants believe that claims 12-33 as amended are all in condition for allowance, early notice of which is requested.

No fee is believed to be due for this response. Should any fee be required, please charge same to deposit account no. 22-0261 and notify Applicants' attorney. A Fee Transmittal accompanies this response.

Respectfully submitted,

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